



**IT IS ORDERED as set forth below:**

**Date: September 23, 2010**

*Mary Grace Diehl*

**Mary Grace Diehl  
U.S. Bankruptcy Court Judge**

\\

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:

CASE NO. 10-42839-MGD

CHESTER W. CURLING,  
Debtor.

CHAPTER 7

U.S. BANK, N.A.,  
Movant.

CONTESTED MATTER

v.  
CHESTER W. CURLING,  
THOMAS DOW RICHARDSON, ESQ., Trustee,  
Respondents.

**ORDER ON MOTION FOR RELIEF FROM STAY**

Movant filed a Motion for Relief from Stay August 26, 2010, together with a Notice of Hearing set for September 15, 2010 (Doc. No. 13), regarding Debtor's real estate located at 239 Ivy Springs Rd, Dallas, GA 30132 (the "Property") and contends service was proper upon the above-captioned Respondents. Respondents did not oppose Movant's Motion; accordingly, it is hereby

ORDERED that Movant's Motion for Relief from Stay is GRANTED: the automatic stay of 11 U.S.C. §362 (a) pertaining to the Property is modified to allow Movant to exercise its rights under the power of sale provisions contained in the Security Deed and as provided for by the laws of the State of Georgia including, but not limited to, advertising to effectuate a foreclosure sale at the earliest possible date and gaining possession of the Property; provided, however, that any proceeds resulting from the disposition of the Property in excess of the lawful claim of Movant under its Note and Security Deed and any excess funds due to a subordinate lienholder under state law shall be promptly remitted to the Trustee for the benefit of the Estate. It is further

ORDERED that the stay of Rule 4001(a)(3) is modified so that Movant may immediately proceed under this Order.

[END OF DOCUMENT]

**PRESENTED BY:**

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